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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ROBERT JOSEPH MCCARTY,

Plaintiff,

v.

JOHN V. ROOS, et al.,

Defendants.

2:11-CV-1538 JCM (NJK)

**ORDER**

Presently before the court is *pro se* plaintiff Robert Joseph McCarty's motion for reconsideration of Magistrate Judge Koppe's order. (Doc. # 152). Defendants, Roos *et al.*, have not responded.

**I. Background**

On March 22, 2013, plaintiff filed his second amended complaint alleging that his civil rights were violated when he was required to registered as a sex offender based on a Japanese conviction. (Doc. # 133). On April 5, 2013, defendants filed a motion to dismiss. (Doc. # 136). On April 12, 2013, plaintiff filed a response. On April 22, 2013, defendants filed a reply and a motion to strike plaintiff's overlong response. (Doc. # 147 and 146).

On April 23, 2013, Magistrate Judge Koppe issued an order granting defendant's motion to strike. (Doc. # 148). On April 26, 2013, plaintiff filed a notice of intellectual inability to change his response. (Doc. # 150). On April 30, 2013, Magistrate Judge Koppe issued an order requiring plaintiff to file an amended response to the motion to dismiss that complies with the local rules.

(Doc. # 151). Plaintiff timely filed the instant motion for reconsideration asking this court to reconsider the magistrate judge's order. (Doc. # 152).

## II. Legal Standard

Magistrate judges are authorized to resolve pretrial matters subject to district court review under a "clearly erroneous or contrary to law" standard. 28 U.S.C. § 636(b)(1)(A); *see also* FED. R. CIV. P. 72(a); L.R. IB 3-1(a) ("A district judge may reconsider any pretrial matter referred to a magistrate judge in a civil or criminal case pursuant to LR IB 1-3, where it has been shown that the magistrate judge's ruling is clearly erroneous or contrary to law."). "This subsection would also enable the court to delegate some of the more administrative functions to a magistrate, such as . . . assistance in the preparation of plans to achieve prompt disposition of cases in the court." *Gomez v. United States*, 490 U.S. 858, 869, 109 S. Ct. 2237, 104 L. Ed. 2d 923 (1989).

"A finding is clearly erroneous when although there is evidence to support it, the reviewing body on the entire evidence is left with the definite and firm conviction that a mistake has been committed." *United States v. Ressam*, 593 F.3d 1095, 1118 (9th Cir. 2010) (quotation omitted). "An order is contrary to law when it fails to apply or misapplies relevant statutes, case law or rules of procedure." *Global Advanced Metals USA, Inc. v. Kemet Blue Powder Corp.*, 3:11-CV-00793-RCJ, 2012 WL 3884939, at \*3 (D. Nev. Sept. 6, 2012).

A magistrate's pretrial order issued under 28 U.S.C. § 636(b)(1)(A) is not subject to *de novo* review, and the reviewing court "may not simply substitute its judgment for that of the deciding court." *Grimes v. City & County of San Francisco*, 951 F.2d 236, 241 (9th Cir. 1991).

## III. Discussion

After reviewing Magistrate Judge Koppe's order (doc. # 151), and plaintiff's objections (doc. # 152) the court determines that the order was neither clearly erroneous nor contrary to law. *See* 28 U.S.C. § 636(b)(1)(A). *Pro se* litigants are required to follow court rules. *See Carter v. C.I.R.*, 784 F.2d 1006, 1008 (9th Cir. 1986). Here, plaintiff has failed to follow the local rules and has not show that an exception should be made to the page limitation and formatting requirements of Local Rules 7-4 and 10-1. Magistrate Judge Koppe's order was factually correct and consistent with controlling

1 law, the motion for reconsideration is DENIED.

2 **IV. Conclusion**

3 Accordingly,

4 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that *pro se* plaintiff Robert  
5 Joseph McCarty's motion for reconsideration of Magistrate Judge Koppe's order (doc. # 152) be,  
6 and the same hereby is, DENIED.

7 IT FURTHER ORDERED that plaintiff shall have **up to, and including July 19, 2013**, to  
8 file a response to the motion to dismiss (doc. # 136) the complies with the local rules, including that  
9 it be limited to no more than 30 pages of double-spaced text.

10 DATED June 28, 2013.

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UNITED STATES DISTRICT JUDGE  
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